



City of Stuart

A G E N D A

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD November 22, 2021
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Eula R. Clarke
Vice Mayor Merritt Matheson
Commissioner Becky Bruner
Commissioner Troy McDonald
Commissioner Mike Meier**

ADMINISTRATIVE

**City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306 . Fax: (772) 288-5305 . E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

WHAT IS CIVILITY? *Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.*

PUBLIC COMMENT: *If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.*

CONSENT CALENDAR: *Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.*

QUASI-JUDICIAL HEARINGS: *Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.*

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. CERTIFICATES OF APPRECIATION IN RECOGNITION OF THE "NEVER FORGET GARDEN" IN MEMORIAL PARK.
2. FORM-BASED CODE BY THE TCRPC

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

CONSENT CALENDAR

3. APPROVAL OF 11/08/2021 CCM MINUTES

END OF CONSENT CALENDAR

ORDINANCE SECOND READING

ORDINANCE FIRST READING

4. THREE HOUR PARKING DISTRICT CHANGE (RC):

ORDINANCE No. 2477-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA; AMENDING THE CODE OF ORDINANCES AT CHAPTER 40 ARTICLE II, SEC. 40-43; PROVIDING FOR A REVISION/AMENDMENT TO THE 3 HOUR DOWNTOWN PARKING DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCE IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. ABANDONMENT OF A PORTION RIGHT-OF-WAY BETWEEN S.E. 5TH STREET AND S.E. STYPMANN BOULEVARD (RC):

ORDINANCE No. 2476-2021; A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ABANDONMENT OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY LIMITS, BEING THAT PORTION OF LAND, WHICH LIES BETWEEN S.E. 5TH STREET AND S.E. STYPMANN BOULEVARD, WHICH IS MORE FULLY DEPICTED IN EXHIBIT "A" ATTACHED HERETO, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

DISCUSSION AND DELIBERATION

6. DEVELOPMENT DISCUSSION

ADJOURNMENT

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 11/22/2021

Prepared by: Michelle Vicat

Title of Item:

CERTIFICATES OF APPRECIATION IN RECOGNITION OF THE "NEVER FORGET GARDEN" IN MEMORIAL PARK.

Summary Explanation/Background Information on Agenda Request:

Two Certificates to be presented, one to Ian Dunshee and one to the Halpatiokee Chapter of the National Society of the Daughters of the American Revolution.

Ian Dunshee, a senior at South Fork High School, where he participates in their agricultural program, is a member of Scout Troop 823. Scouts desiring to reach Eagle Scout level must conduct a community project which includes soliciting community businesses and organizations for donations and materials. When the Halpatiokee Chapter of the National Society of the Daughters of the American Revolution decided to create a memorial garden in Memorial Park, it was suggested that they reach out to a scout troop to assist with the project. Ian took the lead on the project and was required to submit a proposal to his Scout Board for review and approval, which included quite a bit of paperwork. He worked very hard on this project, soliciting donations and materials, as well as organizing his fellow scouts to assist with the labor portion of the project. The "Never Forget Garden" in Memorial Park turned out beautifully thanks to Ian Dunshee's dedication to the project.

Funding Source:

N/A

Recommended Action:

Enjoy the presentation.

ATTACHMENTS:

Description	Upload Date	Type
□ Certificate of Appreciation: Ian Dunshee	11/18/2021	Presentation
□ Certificate of Appreciation: NSDAR	11/17/2021	Cover Memo



Certificate of Appreciation

The City of Stuart wishes to
gratefully acknowledge and thank

Ian Dunshee

For his contribution to the
“Never Forget Garden”
in Memorial Park

Eula Clarke, Mayor

David Dyess, City Manager



Certificate of Appreciation

The City of Stuart wishes to
gratefully acknowledge and thank

*Halpatiokee Chapter of the National Society of
the Daughters of the American Revolution*

For their contribution to the
“Never Forget Garden”
in Memorial Park

Eula Clarke, Mayor

David Dyess, City Manager

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 11/22/2021

Prepared by: Pinal Gandhi-Savdas

Title of Item:

FORM-BASED CODE BY THE TCRPC

Summary Explanation/Background Information on Agenda Request:

The presentation is an introduction to Form-Based Code with attention to the differences between a conventional Zoning Code and a Form-Based Code. A Form-Based Code places greater emphasis on the form of a City through the public realm and provides for predictability and placemaking. The presentation includes a review of elements often included in a Form-Based Code and how they achieve predictable results for citizens.

The form-based code is currently proposed in "The Creek" Arts and Entertainment District and the East Stuart Neighborhood.

Funding Source:

N/A

Recommended Action:

No action required.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 11/22/2021

Prepared by: Susej Meleqi, Deputy Clerk

Title of Item:

APPROVAL OF 11/08/2021 CCM MINUTES

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

Description	Upload Date	Type
11082021 CCM MINUTES	11/12/2021	Attachment

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD November 8, 2021
AT 4:00 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

Mayor Eula R. Clarke

Vice Mayor Merritt Matheson

Commissioner Becky Bruner

Commissioner Troy McDonald

Commissioner Mike Meier

ADMINISTRATIVE

City Manager, David Dyess

City Attorney, Michael J. Mortell

City Clerk, Mary R. Kindel

SERGEANT AT ARMS: Police Chief, Joseph Tumminelli



4:02 PM ROLL CALL

Present: Mayor Clarke, Vice Mayor Matheson, Commissioner Bruner, Commissioner McDonald, Commissioner Meier

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - RAMONA FLORIDOR-WHITE PERFORMING A SONG, 'EDGE OF GREAT' BY MADISON REYES.



4:09 PM

PROCLAMATIONS

2. 21st ANNUAL BIBLE READING MARATHON - NOVEMBER 11-15, 2021

Recipients Pastor Eddie and Joanne Rodrigues of Stepping into Grace and New Life Ministries accepted the Proclamation, announced information for the upcoming Bible Marathon as well as the history of the marathon. Julie Bjornson read a speech on God and our Country.

3. WREATHS ACROSS AMERICA DAY - DECEMBER 18, 2021

"Regent" Dona Dubois of the Halpatiokee Chapter of the National Society of the Daughters of the American Revolution accepted the Proclamation and announced the various activities in the local Chapter.

4. AMERICA RECYCLES DAY - NOVEMBER 15, 2021

Mike Sapp, City of Stuart Team Leader II, Sanitation Department accepted the Proclamation and thanked the Commission.

5. SMALL BUSINESS SATURDAY - NOVEMBER 27, 2021

The Proclamation was read outloud and is being mailed to the recipient, Pam Woo of the Small Business Saturday Coalition as she was unable to attend.



4:26 PM

PRESENTATIONS

6. EMPLOYEE SPOTLIGHT - NOVEMBER 2021

Michael Hazelton of the Stormwater Division, Public Works introduced by Public Works Director, Milton Leggett and was recognized as the November Employee Spotlight.

7. SERVICE AWARDS - NOVEMBER 2021

Scott Earl, U & E	40 years
Tammy Champion, Police	20 years
Adrienne Bremekamp, Finance	20 years
Leroy Ehret, Fire Rescue	20 years
Willie Hatcher, U & E	10 years
Claudy Angervil, Police	5 years



4:37 PM

8. PRESENTATION ON THE CURRENT STATUS OF THE 2022 LAKE OKEECHOBEE SYSTEM OPERATING MANUAL (LOSOM) DEVELOPMENT.

Ben Hogarth, Communications Liaison, presented a LOSOM update of the past two years.

Vice Mayor Matheson reviewed highlighted information with the Commission. Commissioner Bruner commented that she is impressed with what has been accomplished so far and thanked Vice Mayor Matheson and Ben Hogarth for what they have done.



5:12 PM

COMMENTS BY CITY COMMISSIONERS

Commissioner Bruner

- Requested to add to the Discussion & Deliberation of the Agenda, a workshop to discuss development, land and code, and the message we are sending to the people and what the Commissioners would like to accomplish.

Commissioner McDonald

- Commented that he visited the new fire station and was impressed with the setup of the 5th wheel camper, thanked all involved.
- Responded to a comment made at a County Commission Meeting about the County needing to hire an additional 40 firefighters because of the Stuart calls they respond to, stated that is not the case.
- Complimented the Stuart Fire and Police Departments.

Commissioner Meier

- Commented positively on the FL Legislative Conference last week and their unveiling of their legislative advocacy program called “Local Voices United” to educate on how Tallahassee works; noted a presentation on a book called “13 Ways to Kill your Community,” when done reading it, he will share for anyone who is interested.
- Commented on an idea of a Community Land Trust, tried by negotiating with developers, feels we need to do more, investigate AML funds, look into how we can use those funds for affordable housing and feels Community Land Trust is an important tool. Interested in working with staff and the TCRPC, put together a workshop,
- Per the Fire Station, requests the City Manager provide an update for communication with the community.

Vice Mayor Matheson

- Announced that November is Manatee Awareness Month.
- Thanked Stuart Main Street for the coordination of the Stuart Hobgoblin Parade, commented that it was a joy to participate and judge the costume contest.
- Reported that he serves as the Chair for the Transportation Disadvantaged and that the local coordinating board recently won an award; complimented the City and MPO staff.
- Last Thursday’s LPA (Local Planning Agency) Meeting demonstrated a concern for the City’s future pertaining to growth, commented on the codes approved usually remain unchanged for years. Agreed with Commissioner Bruner on having a Workshop.

Mayor Clarke

- Commented on Mr. Hogarth’s presentation and recognized Don Cuozzo in the audience and thanked him for coming.
- Requested clarification on the Workshop discussed and a plan for a separate meeting, not added to this Agenda’s Discussion & Deliberation.

Commissioner Bruner clarified that she would like to schedule a future workshop.

- Reported on a Family Reading Day at the Shuffleboard Court and would like to see improvements budgeted.

- Commented on various upcoming events, including the Mayor's Town Hall on November 16th at 6 p.m.
- Announced lawsuit hearings next week.

Attorney Mortell stated the judge requested the hearings be done via ZOOM only, therefore, hearings will not be held at City Hall.

- Commented on the Co-Lab as it prepares to open.
- Commented on the upcoming cold days and the homeless population in Stuart; encouraged citizens to help any agencies if they can.

 **5:36 PM**

COMMENTS BY CITY MANAGER

City Manager Dyess

- Commented on Fire Station 3, currently evaluating the property as it has low elevation, reviewed the Windemere location and building size plans. Neighborhood has misconceptions and clarified the emergency sirens policy.
- Reported on a meeting with Brightline pertaining to the bridge, the settlement agreement for existing bridge, dimensions, and engineering determinations. The bridge rehabilitation is beginning in early 2022 and explained the projected work schedule.
- Reported on the future bridge, explaining that Brightline is performing a study, a 6-month process to determine what is possible.

APPROVAL OF AGENDA

 **5:42 PM MOTION: Move to approve the Agenda.**
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) William Rudge – Palm City Rd.; Commented on his repeated request being unanswered.
- 2) Doug Bournique – Pegasus Place, Vero Beach; Complimented the presentation given by Ben Hogarth, recommends we help reconnect the districts for River quality.
- 3) Tom Campenni – St. Lucie Crescent; Commented on the CRB Meeting presentation on the Creek District, mosaic project, and suggested the City get private donations and have Jim Chrulski fundraise.
- 4) Betty Brinkley – Nassau Ave.; Commented on her opposition on the Charrette, on why the trucks come through the black community at 5:30 a.m. and complaint on an Officer still being assigned in their neighborhood.

 **5:53 PM**

CONSENT CALENDAR

9. APPROVAL OF 10/25/2021 CCM MINUTES

END OF CONSENT CALENDAR



5:53 PM MOTION: Move to approve.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion approved unanimously.



5:54 PM

COMMISSION ACTION

10. VARIANCE TO REDUCE THE UPLAND BUFFER DISTANCE TO SIGNIFICANT WETLAND RESOURCES:

REQUEST FOR A VARIANCE TO THE CITY'S LAND DEVELOPMENT CODE, SECTION 5.03.02.C.1 AND 4, FOR A REDUCED MINIMUM UPLAND BUFFER DISTANCE FROM OUTSTANDING WETLAND RESOURCES, REDUCED AVERAGE UPLAND BUFFER AND REDUCED CONSTRUCTION SETBACK FROM WETLANDS, FOR LOT 4 ON THE NORTH SIDE OF SW INDIAN GROVES DRIVE, LOCATED AT 228 SW INDIAN GROVES DRIVE.

Erin Wohlitka, Development Department Senior Planner, presented that this item had come before the Commission on April 12, 2021 and was neither approved or denied, the Commission had requested this proposal be modified and come back before them. Ms. Wohlitka provided a review of the Comp Plan for property located at 228 SW Indian Groove Drive with a review of the Land Development Code policies on wetlands and zoning setbacks. Presentation included land buffer setbacks, the buildable area, and proposed building footprint of the single-family home, proposed elevations, and review of staff's recommendation.

Doug Bournique, applicant, came forward and confirmed the presentation given by the City.

Commissioner Matheson noted his hesitancy as this was to be a cottage lot and he is concerned with the surrounding homes and amount of buffer proposed to be reduced by.

Public Comment:

- 1) Joe Flanigan – Indian Grove Drive; Commented on concern for the neighborhood integrity with the size of the home in comparison to its neighbors.

Commissioner Meier clarified that the Commission cannot make decisions on the architecture as it is State law. Talked about possibility of a different way this can be approached.

Attorney Mortell noted this is a Variance and provided a brief history on Board of Adjustment Variance processes.

Public Comment:

- 2) Robin Cartwright – ZOOM; Commented on the equality for wetland setbacks between residential and commercial properties, in favor of this variance.

 **6:39 PM**

Mr. Bournique stated he has issues with the FPL lines and has done what was asked of him by the Commission.

Public Comment:

- 3) Helen McBride – Flamingo Ave.; Commented with her thoughts that the Commissioners should protect the wetland.

Commissioner McDonald expressed his concerns on what the Commission expects from an applicant. Does not support the Motion as is. Commissioners deliberated.

Public Comment:

- 4) Sarah Merckle – Florida Club, ZOOM; Expressed her disappointment in the Commission's decisions and looks forward to what comes in the future.

 **6:37 PM MOTION: To approve altering the minimum average width of the upland buffer to 40 ft. and the upland buffer at no point less than 40 ft. for the 2nd requested variance, and in doing so, altering the 3rd requested variance for the construction setback to be included within the 40 ft. buffer and with the condition of approval for those variances for the rear wetland buffers for the side setbacks to be as proposed in the plan, with 10 ft. with the option to fast track it if it's proposed for a single-family structure, and go right to permitting.**

MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner Meier

Motion approved 4/5.  6:50 PM

Bruner - YES

McDonald - NO

Meier - YES

Matheson - YES

Clarke - YES

 **6:50 PM**

11. MAJOR SITE PLAN AMENDMENT - MONTEREY MEDICAL PARKING EXPANSION (QUASIJUDICIAL):

RESOLUTION No. 86-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE AN AMENDMENT TO A MAJOR DEVELOPMENT SITE PLAN AT 'MONTEREY MEDICAL CENTER' LOCATED AT 1050 SE MONTEREY ROAD, STUART TO EXPAND THE PARKING LOT FOR 51 ADDITIONAL PARKING STALLS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Development Director, Kev Freeman requested a continuation of this item to the Dec. 13, 2021 CCM due to stormwater issues.

 **6:52 PM MOTION: Motion to continue Resolution No. 86-2021 to Dec. 13th.**
MOVED BY: Vice Mayor Matheson
SECONDED BY: Commissioner Meier
Motion approved unanimously.

12. SRF LOAN APPLICATION - ALTERNATIVE WATER SUPPLY:

RESOLUTION No. 114-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RELATED TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE FINANCIAL SERVICES DIRECTOR TO SUBMIT THE LOAN APPLICATION AGREEMENT FOR THE \$17,319,799.00 ALTERNATIVE WATER SUPPLY PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE LOAN AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; ESTABLISHING PLEDGED REVENUES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; SEVERABILITY, AND EFFECTIVE DATE.

 **6:55 PM MOTION: Move for approval.**
MOVED BY: Commissioner Meier
SECONDED BY: Vice Mayor Matheson
Motion approved unanimously.

 **6:57 PM**

13. R.O.W. ABANDONMENT OF A PORTION OF AN ALLEY BETWEEN SE 5TH STREET AND SE STYPMANN BLVD):

RESOLUTION No. 115-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON NOVEMBER 22, 2021 AT 5:30 PM, AND DECEMBER 13, 2021, AT 4:00 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THAT PORTION OF LAND, WHICH LIES BETWEEN S.E. 5TH STREET AND S.E. STYPMANN BLVD, WHICH IS MORE FULLY DEPICTED IN EXHIBIT "A" ATTACHED HERETO; AND FOR OTHER PURPOSES.



6:58 PM MOTION: Move for approval.
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion approved unanimously.

ORDINANCE SECOND READING



7:00 PM

ORDINANCE FIRST READING

14. AMENDMENT TO THE LAND DEVELOPMENT CODE - SIGN CODE:

ORDINANCE No. 2469-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 6.11.03 ENTITLED "NONCONFORMING SIGNS; AMORTIZATION OF CERTAIN SIGNS" IN CHAPTER 6 OF THE CITY OF STUART LAND DEVELOPMENT CODE TO REMOVE DEADLINE FOR THE AMORTIZATION PERIOD FOR EXISTING, NON-CONFORMING POLE SIGNS AND PROVIDE PROVISIONS TO ACCELERATE POLE SIGN REMOVAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Pinal Gandhi-Savdas, CRA Administrator reviewed the Ordinance amended language.



7:02 PM MOTION: Move approval.
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion approved unanimously.

15. REQUEST TO CONTINUE THE ITEM TO DATE CERTAIN OF DECEMBER 13, 2021: SILVERTHORN RPUD: (QUASI-JUDICIAL):

ORDINANCE No. 2472-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 9.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUDD ASSOCIATES FL LLC, LOCATED ON THE SOUTH EAST CORNER OF SE INDIAN STREET AND SE COMMERCE AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE SILVERTHORN RPUD CONSISTING OF EIGHTY SIX (86) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING

FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

 **7:03 PM MOTION: To continue to December 13th.**
MOVED BY: Vice Mayor Matheson
SECONDED BY: Commissioner Meier
Motion approved unanimously.

16. REQUEST TO CONTINUE TO DATE CERTAIN OF NOVEMBER 22, 2021:
ABANDONMENT OF A PORTION RIGHT-OF-WAY AS REQUIRED BY THE PALMETTO
COVE RPUD:

ORDINANCE NO. 2475-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN
PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT PORTION OF PLATTED 11-
FOOT-WIDE ALLEY AS SHOWN ON THE PLAT OF HALPATIOKEE PARK, MORE
CLEARLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' ATTACHED; FOR PAYMENT OF
A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE
DATE; AND FOR OTHER PURPOSES.

 **7:04 PM MOTION: So moved.**
MOVED BY: Commissioner Meier
SECONDED BY: Commissioner McDonald
Motion approved unanimously.

DISCUSSION AND DELIBERATION

 **7:04 PM ADJOURNMENT**

Mary R. Kindel, City Clerk

Eula R. Clarke, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 22nd day of November, 2021.**

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 11/22/2021

Prepared by: David Dyess, City Manager

Title of Item:

THREE HOUR PARKING DISTRICT CHANGE (RC):

ORDINANCE No. 2477-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA; AMENDING THE CODE OF ORDINANCES AT CHAPTER 40 ARTICLE II, SEC. 40-43; PROVIDING FOR A REVISION/AMENDMENT TO THE 3 HOUR DOWNTOWN PARKING DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCE IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This ordinance modification adds parking spaces to the existing Downtown Parking District. The location often gets vehicles that park long term and are often staff from surrounding businesses. The three hour parking time will allow ample time for park visitors and patrons to have parking and enjoy the area, while the longer term parking for the staff and vendors still exist south of the circle area.

Funding Source:

N/A

Recommended Action:

Motion to approve ordinance 2477-2021

ATTACHMENTS:

	Description	Upload Date	Type
□	Ordinance 2477-2021 Downtown Parking District	11/17/2021	Ordinance add to Y drive
□	Map of parking area	11/9/2021	Backup Material



**BEFORE THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2477-2021

AN ORDINANCE OF THE CITY OF STUART, FLORIDA; AMENDING THE CODE OF ORDINANCES AT CHAPTER 40 ARTICLE II, SEC. 40-43; PROVIDING FOR A REVISION/AMMENDMENT TO THE 3 HOUR DOWNTOWN PARKING DISTRICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCE IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Code of Ordinances, Sec. 40-43 Three-hour parking district created; prohibition; penalty prohibits certain activities as described therein; and

WHEREAS, the City Commission desires to amend the City Code to add new 3- hour parking spaces in the downtown district.

WHEREAS, the City Commission finds that it is in the interest of the health, safety and welfare of city residents to establish parking spaces for 3 hour parking in the downtown district.

NOW THEREFORE, be it ordained by the City Commission of the City of Stuart, as follows:

SECTION 1. Chapter 40, Article II, Section 40-43, Three-hour parking district—Created; prohibition; penalty. ,of the Code of Ordinances, City of Stuart, Florida, is hereby amended as follows:

Sec. 40-43. Three-hour parking district—Created; prohibition; penalty.

- (a) There is hereby created the three-hour parking district in the downtown district of the city which shall consist of the following streets and segments of streets, and of all on-street and off-street parking spaces which are or may be hereafter designated thereon by the city:

Street	From	To
SW St Lucie Av.	SW Flagler Av.	St. Lucie River
SE Seminole St.	SW St Lucie Av.	SE Detroit Av.

Ordinance 2477-2021
Downtown 3 Hour Parking Change

SE Osceola St.	SW St Lucie Av.	SE Detroit Av.
SW Flagler Av.	SW St Lucie Av.	S. Colorado Av.
SW Flagler Av.	Parking lot circle at north end of Flagler Park (all marked spots)	
SE Ocean Bv.	S Colorado Av.	SE Detroit Av.
S Colorado Av.	SW Flagler Av.	St. Lucie River
SE Denver Av.	SE Ocean Bv.	SE Seminole St.
SE Detroit Av.	SE Ocean Bv.	St. Lucie River

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any section, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held to be valid.

SECTION 4: The provisions of Section 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect immediately upon adoption.

Ordinance 2477-2021
Downtown 3 Hour Parking Change

Passed on first reading the ____ day of _____, 2021.

Commissioner _____ offered the foregoing Ordinance and moved its adoption.

The motion was seconded by Commissioner _____ and upon being put to a roll call vote,
the vote was as follows:

EULA R. CLARKE, MAYOR
MERRITT MATHESON, VICE MAYOR
BECKY BRUNER, COMMISSIONER
TROY MCDONALD, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2021.

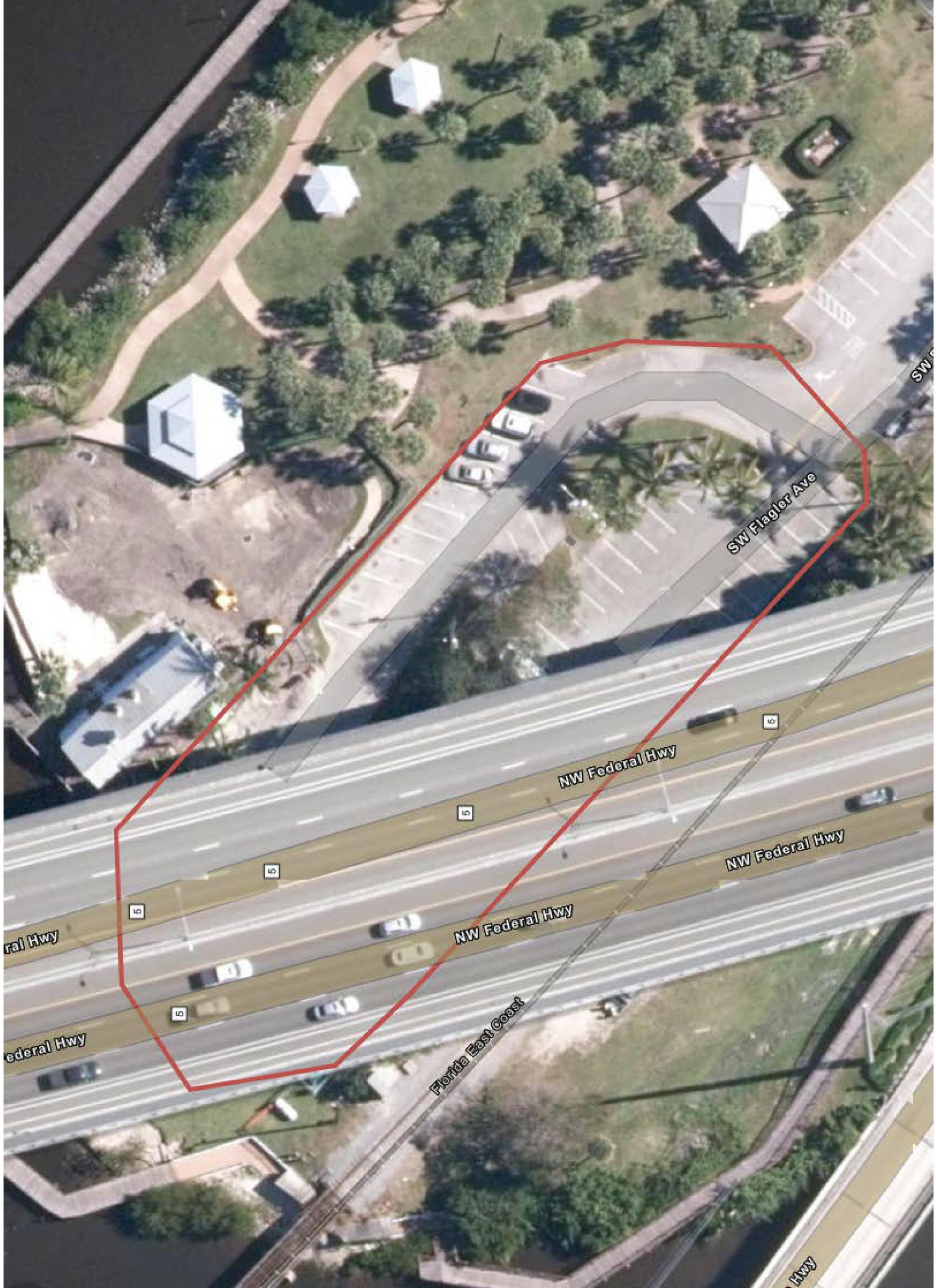
ATTEST:

MARY R. KINDEL
CITY CLERK

EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY



CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 11/22/2021

Prepared by: Kev Freeman

Title of Item:

ABANDONMENT OF A PORTION RIGHT-OF-WAY BETWEEN S.E. 5TH STREET AND S.E. STYPMANN BOULEVARD (RC):

ORDINANCE No. 2476-2021; A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ABANDONMENT OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY LIMITS, BEING THAT PORTION OF LAND, WHICH LIES BETWEEN S.E. 5TH STREET AND S.E. STYPMANN BOULEVARD, WHICH IS MORE FULLY DEPICTED IN EXHIBIT "A" ATTACHED HERETO, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The City is evaluating certain public right-of-ways throughout the City, which it no longer maintains or has need for to determine if abandonment is appropriate. The public right-of-way that lies between S.E 5th Street and S.E. Stypmann Boulevard, within the City limits meets the criteria for City initiated abandonment. The criteria used evaluates maintenance, future need, utilities within right-of-way and staff experience.

This is a City initiated abandonment, no costs will be incurred by adjoining property owners who have been notified of this action.

Funding Source:

N/A

Recommended Action:

Motion to approve the abandonment.

ATTACHMENTS:

	Description	Upload Date	Type
□	A1. Ordinance 2476-2021 ROW Abandonment	11/14/2021	Ordinance add to Y drive



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2476-2021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ABANDONMENT OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY LIMITS, BEING THAT PORTION OF LAND, WHICH LIES BETWEEN S.E. 5TH STREET AND S.E. STYPMANN BOULEVARD, WHICH IS MORE FULLY DEPICTED IN EXHIBIT "A" ATTACHED HERETO, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City is evaluating certain public right-of-way throughout the City, which it no longer maintains or has need for to determine if abandonment is appropriate; and

WHEREAS, the public right-of-way that lies between S.E. 5TH Street and S.E. Stypmann Boulevard, within the City limits meets the criteria for City initiated abandonment; and

WHEREAS, at the public hearing to consider the requested abandonment the City Commission has determined that it is the best public interest that the said right-of-way be abandoned; and

WHEREAS, due to the City's desire to abandon the public right-of-way the privilege fee is to be waived.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA

ordains, as follows:

SECTION 1: That any interest vested with the City of Stuart in that certain right-of-way, as set forth as that portion of a platted alleyway, described as that property located within the STYPMANN PARK THIRD ADDN, adjoining LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27 & 28, BLK 2, and depicted in **Exhibit “A”** attached hereto is hereby abandoned.

SECTION 2: Conflicts. All ordinances or parts of ordinances in conflict herewith shall be repealed.

SECTION 3: Severability: If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 4: Effective Date: This Ordinance shall become effective immediately upon adoption.

SECTION 5: The complete execution and recording of this Ordinance by the City Clerk shall occur no later than 60 days from the date of this approval, failing which this ordinance shall be void.

PASSED on First Reading this day of _____, 2021.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

EULA R. CLARKE, MAYOR
MERRITT MATHESON, VICE MAYOR
REBECCA S. BRUNER, COMMISSIONER
TROY MCDONALD, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day _____ of, 2021.

ATTEST:

MARY R. KINDEL
CITY CLERK

EULA R CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☒ physical presence or ☐ online notarization this _____ day of _____, 2021, Eula R. Clarke, Mayor, and Mary Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation, who ☐ are personally known to me or ☐ have produced _____ as identification.

(Notary Seal)

Signature of Notary Public
Printed Name: _____

Exhibit “A”

LOCATION

The Alley located within the STYPMANN PARK THIRD ADDN, adjoining LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27 & 28, BLK 2.



**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 11/22/2021

Prepared by: David Dyess, City Manager

Title of Item:

DEVELOPMENT DISCUSSION

Summary Explanation/Background Information on Agenda Request:

During Commissioner Comments at the November 8, 2021 City Commission meeting, Commissioner Bruner brought up a desire to discuss development. The initial consensus from the board was a request to schedule a workshop. During the discussion, there was desire to include a discussion around the subject of some zoning changes and the possibility of adopting a zoning in progress. This was requested to be done sooner rather than later and the process lends itself to direction from the commission, putting a mechanism in place and then having the workshop or series of workshops to that will allow the Commission to dedicate time to the details related to the issues and make proper decisions regarding any potential changes.

Funding Source:

N/A

Recommended Action:

Discuss and provide direction